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Attorneys for Plaintiffs
EFK INVESTMENTS, LLC; and
MARKET STREET PROPERTY MANAGEMENT, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EFK INVESTMENTS, LLC; and MARKET
STREET PROPERTY MANAGEMENT, INC.,

Plaintiffs,

vs.

GOLDEN EAGLE INSURANCE
CORPORATION; PEERLESS INSURANCE
COMPANY; and DOES 1-50, inclusive,

Defendants.

Case No. 4:13-CV-05910 YGR
ORDER CONTINUING COMPLIANCE
~~JOINT STATEMENT REGARDING~~
SELECTION OF MEDIATOR;
~~[PROPOSED] ORDER~~

Date: January 9, 2015
Time: 9:01 a.m.
Courtroom: 1
Judge: Hon. Yvonne Gonzalez Rogers

The parties in the above-entitled case jointly submit this Joint Statement Regarding Selection of Mediator in accordance with the Court's Order at the Case Management Conference in the Action on November 17, 2014 [Dkt. 52], and the Orders Continuing Compliance Re: Mediator filed on December 1 and December 9, 2014 [Dkt. 54 and Dkt. 56.]

As reported in their Joint Statement Regarding Selection of Mediator filed on December 5, 2015 [Dkt. 55], the parties through their counsel have engaged in settlement discussions among themselves, prior to formal mediation, with the intent of avoiding the inconvenience and possible expense of mediation if they can settle this matter without mediation. Plaintiffs initiated those discussions by submitting a settlement demand to defendant Peerless Insurance Company

1 (“Peerless”) on December 10, 2014. The parties also have conferred further about the selection of
 2 a mediator, in the event they are unable to reach a settlement among themselves.

3 Peerless is considering Plaintiffs’ settlement offer but does not yet have a response.
 4 Meanwhile, the parties have not decided about the choice of mediator but generally agree that if
 5 they do not settle the action among themselves, they will mediate the dispute with either
 6 Honorable Ronald Sabraw (ret.) at JAMS or through the Court’s ADR Multi-Option Program.

7 The parties agree that further settlement discussions may be fruitful and request more time
 8 to proceed with those discussions before submitting their dispute to formal mediation and before
 9 further court appearances. The parties jointly ask the Court to continue for four weeks the
 10 Compliance Hearing Re: Mediator currently scheduled on January 9, 2015, and the deadline to
 11 complete mediation currently scheduled on February 27, 2015.

12 If the parties do not settle this case through their negotiations prior to the continued
 13 Compliance Hearing, they will resume their efforts to select a mediator. Before the continued
 14 Compliance Hearing they will either: (1) Notify the Court that the case settled if their settlement
 15 discussions are successful; or (2) If they are unable to settle, notify the Court about their selection
 16 of the mediator or notify the Court that they are unable to agree upon a mediator and be prepared
 17 to further discuss the selection of the mediator with the Court at the continued Compliance
 18 Hearing.

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 20 DATED: January 2, 2015

BRISCOE IVESTER & BAZEL LLP

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 22 By: /s/ Richard Wallace
 23 RICHARD WALLACE
 24 Attorneys for Plaintiffs
 25 EFK INVESTMENTS, LLC and MARKET
 26 STREET PROPERTY MANAGEMENT, INC.
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1 DATED: January 2, 2015

SEDGWICK LLP

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3 By: /s/ Jason J. Chorley
4 SUSAN KOEHLER SULLIVAN
5 JASON J. CHORLEY
6 Attorneys for Defendant
7 PEERLESS INSURANCE COMPANY

8 **ORDER**

9 The compliance hearing regarding the parties' choice of mediator, currently set for Friday,
10 January 9, 2015, is **CONTINUED** to Friday, February 6, 2015, on the Court's 9:01 a.m. calendar,
11 in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1.

12 Five (5) business days prior to the date of the compliance hearing, the parties shall file
13 either: (a) choice of mediator or (b) a one-page Joint Statement setting forth an explanation for
14 their failure to comply. If compliance is complete, the parties need not appear and the
15 compliance hearing will be taken off calendar.

16 The deadline to complete mediation, currently scheduled on Friday February 27, 2015, is
17 **CONTINUED** to Friday, March 27, 2015.
18 No further extensions of time will be granted as to this issue.

IT IS SO ORDERED.

19 Dated: January 5, 2015

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21 
22 YVONNE GONZALEZ ROGERS
23 UNITED STATES DISTRICT COURT
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